

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

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|---------------------------|---|-----------|
| CALVIN B. JAMES, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | CV421-167 |
| |) | CR418-205 |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

REPORT AND RECOMMENDATION

Pro se movant Calvin James was convicted of one count of possession of a firearm by a prohibited person in 2019. *See* doc. 67 at 1 (Judgment).¹ He was sentenced to 120 months of imprisonment and a three-year term of supervised release. *Id.* at 2-3. His conviction was affirmed. Doc. 104; *see also* *United States v. James*, 831 F. App'x 442 (11th Cir. 2020). On June 2, 2021, James moved to vacate his conviction pursuant to 28 U.S.C. § 2255. *See* doc. 124. Since then, James has filed numerous items, variously titled as “notices” and “motions” concerning amendments to his § 2255 motion, which have impeded the Court’s ability to manage its docket and reach the merits of his claims. The Court

¹ The Court cites to the criminal docket in CR418-205, except as noted below.

recently directed him to consolidate his various requests to permit efficient resolution of that Motion. *See* doc. ____.

In addition to his various filings related to amendment of his § 2255 motion, James has also filed a Motion to Reduce Sentence. *See* doc. 174. He has also filed a Motion to Recuse the Honorable William T. Moore, Jr. *See* doc. 182. That Motion concerns James' objections to delays in addressing his § 2255 Motion. *See id.* However, the civil case associated with James' § 2255 Motion was reassigned to the Honorable J. Randall Hall in October 2023. *See* CV421-167, doc. 48. Pursuant to the Court's standard practice, it is Chief Judge Hall, not Judge Moore, who will rule on issues related to James' § 2255 Motion. James' Motion to Reduce Sentence, however, remains pending before Judge Moore in the criminal case.

Given the circumstances, James' request to recuse Judge Moore in the civil case, which is now assigned to Chief Judge Hall, is moot. Accordingly, it should be **DISMISSED**. CV421-167, doc. 54. However, since James' Motion to Reduce Sentence remains pending before Judge Moore in the criminal case, *see* doc. 174, his Motion to Recuse Judge

Moore in that case should remain pending for consideration and disposition by Judge Moore, doc. 182.

This R&R is submitted to the district judge assigned to this action, *i.e.*, Chief Judge Hall, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court's Local Rule 72.3. Within 14 days of service, any party may file written objections to the R&R with the Court and serve a copy on all parties. The document should be captioned "Objections to Magistrate Judge's Report and Recommendations." Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*,

648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 11th day of January, 2024.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA